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HIGH COURT OF JUDICATURE AT BILASPUR : CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 2540 OF 2006

PETITIONER	:	Maa Sakambari Construction, through – its Proprietor Sampat Kumar Saraf, son of Shri Kishori Lal Saraf, aged about 39 years, resident of Deogarh road, Dhanupali, P.O. and P.S. Dhanupali, District Sambalpur (Orissa)

Versus

RESPONDENTS:	1.	State of Chhattisgarh, through – its Secretary, Department of Panchayat and Rural Development, Dau Kalyan Singh Bhawan, Mantralay, Raipur (C.G.).
	2.	The Development Commissioner, Department of Panchayat and Rural Development Department, Raipur (Chhattisgarh)
	3.	Chief Engineer, Pradhan Mantri Gramya Sadak Yojana (P.M.G.S.Y.) Office of the Development Commissioner, Civil Lines, Raipur Chhattisgarh.
	4.	Superintending Engineer, Rural Engineering Services, Raipur Circle, Raipur (Chhattisgarh)
	5.	Collector, Distt. Mahasamund (Chhattisgarh).
	6.	Executive Engineer, Rural Engineering Services, Office of the Development Commissioner, Raipur (Chhattisgarh).
	7.	Ramesh Kumar Agrawal, aged about 40 years, son of Shri Debendra Lal Agrawal, resident of Dalaipara, P.O. and P.S. Sambalpur, Distt. Sambalpur (Orissa).
	8.	Rajesh Kumar Agrawal, aged about 38 years, son of Shri Debendra Lal Agrawal, resident of Dalaipara, P.O. and P.S. Sambalpur, Distt. Sambalpur (Orissa).

Present : Shri V.R. Tiwari, learned counsel for the petitioner.
Shri Vinay Harit, learned Dy. A.G. with Shri Utkarsh Verma, learned Dy. G.A. for the State.

(ORAL ORDER)
(Passed on 16th June, 2006)

The dispute brought before the Court by way of this writ petition relates to the question whether Maa Sakambari Construction is a proprietorship concern of Sampat Kumar Saraf, S/o Kishori Lal Saraf or a firm of which the respondents 7 and 8 herein are the partners. According to the petitioner, Maa Sakambari Construction is a proprietorship concern of Sampat Kumar Saraf, but, respondents 7 and 8 have secured the Government works contracts claiming that Maa Sakambari Construction is a partnership firm of which they are the partners. The factual dispute brought before the Court cannot be resolved in a summary proceeding under Article 226 of the Constitution. In order to resolve the *lis*, it becomes imperative for the Court to permit the parties to lead evidence and tender the parties to be cross-examined by each other. In a matter like this, more effective and comprehensive remedy may be obtained by way of private law review remedies like declaration and injunction. Since the petitioner has an effective and comprehensive alternative remedy before the jurisdictional Civil Court, I decline to entertain this writ petition. The writ petition is, therefore, dismissed reserving liberty to the petitioner to workout the legal remedies as indicated above. No costs.

Sd/-
Chief Justice